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Deletions are shown with the following attributes and color:

~~Strikeout~~, Blue RGB(0,0,255).

Deleted text is shown as full text.

Insertions are shown with the following attributes and color:

Double Underline, Redline, Red RGB(255,0,0).

The document was marked with 1 Deletion, 2 Insertions, 0 Moves.

CR 7. PLEADINGS ALLOWED; FORM AND SCHEDULING OF MOTIONS

(a) Reserved.

(b) Motions and Other Papers.

(1) *Obligations of Movant.* The moving party shall serve the motion and a proposed order on each party that has appeared in the action, and shall file the motion and lodge the proposed order with the clerk. The argument in support of the motion shall not be made in a separate document but shall be submitted as part of the motion itself. If the motion requires consideration of facts not appearing of record, the movant shall also serve and file copies of all affidavits, declarations, photographic or other evidence presented in support of the motion.

All motions shall include in the caption (immediately below the title of the motion) the date the motion is to be noted for consideration upon the court's motion calendar. See CR 7(d) for scheduling motions and briefing deadlines. The form for this notation shall be as follows:

NOTE ON MOTION CALENDAR: [insert date noted for consideration]

(2) *Obligation of Opponent.* Each party opposing the motion shall, within the time prescribed in CR 7(d), file with the clerk, and serve on each party that has appeared in the action, a brief in opposition to the motion, together with any supporting material of the type described in subsection (1). If a party fails to file papers in opposition to a motion, such failure may be considered by the court as an admission that the motion has merit.

(3) *Reply Brief.* The moving party may, within the time prescribed in CR 7(d), file with the clerk, and serve on each party that has appeared in the action, a reply brief in support of the motion, together with any supporting material of the type described in subsection (1).

(4) *Oral Argument.* Unless otherwise ordered by the court, all motions will be decided by the court without oral argument. Counsel shall not appear on the date the motion is noted unless directed by the court. A party desiring oral argument shall so indicate by typing ORAL ARGUMENT REQUESTED in the caption of its motion or responsive memorandum. If a request for oral argument is granted, the clerk will notify the parties of the date and time for argument.

(5) *Decisions on Motions.* All motions will be decided as soon as practicable, and normally within thirty days following the noting date. The court encourages counsel to call the assigned judge's in-court deputy clerk to verify that a motion is scheduled for determination if a decision on the motion has not been received within 45 days of the noting date.

(c) Reserved.

(d) Consideration of Motions and Briefing Schedules. Unless otherwise provided by rule or court order, motions shall be noted for consideration as follows:

(1) Stipulations and agreed motions (see CR 10(g)), motions to file over-length motions or briefs (see CR 7(f)), motions for reconsideration (see CR 7(h)), joint submissions pursuant to the optional procedure established in CR 37(a)(2)(B), motions for default (see CR 55(a)), requests for the clerk to enter default judgment (see CR 55(b)(1)), and motions for the court to enter default judgment where the opposing party has not appeared (see CR 55(b)(2)), shall be noted for consideration for the day they are filed.

(2) The following motions may be noted for consideration no earlier than seven judicial days after filing:

(A) motions for relief from a deadline or limit imposed by an order, federal rule or local rule;

(B) motions to amend pleadings;

(C) motions to quash;

(D) motions for protective orders;

(E) motions to withdraw (see GR 2(f)(4));

(F) motions to tax and retax costs (see CR 54(d)); and

(G) motions for default judgment by the court pursuant to CR 55(b)(2) where the opposing party has appeared in the action.

(H) motions to seal (see CR 5(g)).

For any motion brought pursuant to this subsection, the moving party shall ensure that the motion papers are received by the opposing party on or before the filing date. Unless otherwise provided by court rule, any papers opposing motions of the type described in this subsection shall be filed and received by the moving party no later than three judicial days before the noting date. Any reply papers shall be filed, and shall be received by the opposing party, no later than the noting date. ~~Service under this subsection may be by facsimile or electronic transmission only upon prior agreement of the parties~~ Method of service is governed by electronic filing procedures. All motions filed in a case in which a party is under civil or criminal confinement shall be subject to the briefing schedule under Rule 7(d)(1) or 7(d)(3), not this subsection.

(3) All other motions shall be noted for consideration for a Friday. Unless otherwise

specified in this rule, all discovery motions not using the option under CR 37(a)(2)(B), and all other nondispositive motions shall be noted for consideration no earlier than the third Friday after filing and service of the motion; and all dispositive motions shall be noted for consideration no earlier than the fourth Friday after filing and service of the motion. Any opposition papers shall be filed and served not later than the Monday before the noting date. If service is by mail, the opposition papers shall be mailed not later than the Friday preceding the noting date. Any reply papers shall be filed and served no later than the noting date.

(e) Length of Motions and Briefs. Except as otherwise provided by court order or rule, the length of motions and briefs shall be as follows:

- (1) Motions noted under CR 7(d)(1) shall not exceed six pages.
- (2) Motions noted under CR 7(d)(2) and briefs in opposition shall not exceed twelve pages. Reply briefs shall not exceed six pages.
- (3) Motions for summary judgment, motions to dismiss, motions for class certification and motions for preliminary injunction and briefs in opposition shall not exceed twenty-four pages. Reply briefs shall not exceed twelve pages. The filing of multiple dispositive motions to avoid the page limits of this rule is strongly discouraged and successive motions may be stricken.
- (4) All other motions noted under CR 7(d)(3) and briefs in opposition shall not exceed twelve pages. Reply briefs shall not exceed six pages.

(f) Motions to File Over-length Motions or Briefs. Motions seeking approval to file an over-length motion or brief are disfavored but may be filed subject to the following:

- (1) The motion shall be filed at least three judicial days before the underlying motion or brief is due, and shall be noted for consideration for the day on which it is filed, pursuant to CR 7(d)(1).
- (2) The motion shall be no more than two pages in length and shall request a specific number of additional pages.
- (3) No opposition to the motion shall be filed unless requested by the court.
- (4) If the court grants leave to file an over-length motion, the brief in opposition will automatically be allowed an equal number of additional pages. In all cases, the reply brief shall not exceed one-half the total length of the brief filed in opposition.

(g) Requests to Strike Material Contained in Motion or Briefs. Requests to strike material contained in or attached to submissions of opposing parties shall not be presented in a separate motion to strike, but shall instead be included in the responsive brief, and will be considered with

the underlying motion. The single exception to this rule is for requests to strike material contained in or attached to a reply brief, in which case the opposing party may file a surreply requesting that the court strike the material, subject to the following:

(1) ~~That party must notify all parties (by telephone or facsimile) and the assigned judge's chambers (by telephone) as soon after receiving the reply brief as practicable that a surreply will be filed.~~ file a notice of intent to file a surreply as soon after receiving the reply brief as practicable.

(2) The surreply must be filed within five judicial days of the filing of the reply brief, and shall be strictly limited to addressing the request to strike.

(3) The surreply shall not exceed three pages.

(4) No response shall be filed unless requested by the court.

(5) This rule does not limit a party's ability to file a motion to strike otherwise permitted by the Federal Rules of Civil Procedure, including Fed. R. Civ. P. 12(f) motions to strike material in pleadings. The term "pleadings" is defined in Fed. R. Civ. P. 7(a).

(h) Motions for Reconsideration.

(1) *Standard.* Motions for reconsideration are disfavored. The court will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to its attention earlier with reasonable diligence.

(2) *Procedure and Timing.* A motion for reconsideration shall be plainly labeled as such. The motion shall be filed within ten judicial days ~~following~~ after the order to which it relates is filed. The motion shall be noted for consideration for the day it is filed. The motion shall point out with specificity the matters which the movant believes were overlooked or misapprehended by the court, any new matters being brought to the court's attention for the first time, and the particular modifications being sought in the court's prior ruling. Failure to comply with this subsection may be grounds for denial of the motion. The pendency of a motion for reconsideration shall not stay discovery or any other procedure.

(3) *Response.* No response to a motion for reconsideration shall be filed unless requested by the court. No motion for reconsideration will be granted without such a request. The request will set a time when the response is due, and may limit briefing to particular issues or points raised by the motion, may authorize a reply, and may prescribe page limitations.

(i) Telephonic Motions. Upon the request of any party, and with the court's approval, a motion

may be heard by telephone without the filing of motion papers. No request for a telephonic motion shall be considered unless all counsel participate in the call making the request, or unless it is represented by counsel making the call that reasonable efforts have been made to include all counsel in the call, and that such efforts were unavailing. Whether such telephonic motions will be considered, what procedural requirements will be imposed, and the type of relief granted are within the sole discretion of the court.